

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1-25 are now present in the application. Claims 1, 4, 9, 12, 14 and 19 have been amended. Claims 1, 9 and 19 are independent. Reconsideration of this application, as amended, is respectfully requested.

Claim Objections

Claim 1 has been objected to due to the presence of minor informalities. In view of the foregoing amendments, in which the Examiner's helpful suggestions have been followed, it is respectfully submitted that this objection has been addressed. Reconsideration and withdrawal of this objection are respectfully requested.

Claim Rejections Under 35 U.S.C. §112

Claims 1-25 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that this objection has been addressed. Accordingly, all pending claims are now definite and clear. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph, are therefore respectfully requested.

Claim Rejections Under 35 U.S.C. §101

Claims 1-25 stand rejected under 35 U.S.C. § 101 because claims are directed to non-statutory subject matter. This rejection is respectfully traversed.

In view of the foregoing amendments, it is respectfully submitted that this objection has been addressed. In particular, claim 1 has been amended to recite “a computer readable medium”. MPEP 2106.IV.B.1 states that when functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized. Therefore, it is believed that all pending claims are directed to statutory subject matter. Reconsideration and withdrawal of the rejection under 35 U.S.C. § 101 are therefore respectfully requested.

Claim Rejections Under 35 U.S.C. § 103

Claims 1-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lidow, U.S. Patent No. 6,889,197. This rejection is respectfully traversed.

In light of the foregoing amendments to the claims, Applicants respectfully submit that this rejection has been obviated and/or rendered moot. As the Examiner will note, independent claims 1, 9 and 19 have been amended.

Independent claims 1 and 9 recite “a capacity and material demand forecasting unit which takes into account stocking statuses, order statuses, and distribution statuses of the clients and suppliers, price variations and work flows of the clients, uses a supply chain management software to run a batch operation to generate trading data, performs forecast for the capacity

demand and the unconstrained material demand, then performs forecast for the capacity demand and the constrained material demand, generates a preliminary capacity and material demand forecasting report, and outputs a supply chain planning result through the supply chain management software according to the preliminary capacity and material demand forecasting report”.

Independent claim 19 recites “using a supply chain management software to run a batch operation and to generate trade data by taking into account stocking statuses, order statuses, and distribution statuses of the clients and suppliers, price variations and work flows of the clients” and “performing capacity demand and unconstrained material demand forecast according to the trade data and generating a preliminary material demand by taking into account the stocking statuses, the order statuses, and the distribution statuses of the clients and suppliers, the price variations and the work flows of the clients”.

Support for the above recitations can be found on the paragraph beginning on page 5, line 13. Applicants respectfully submit that the above recitations as set forth in amended independent claims 1, 9 and 19 are not disclosed nor suggested by the reference relied on by the Examiner.

The Examiner has correctly acknowledged that Lidow fails to teach running a batch operation for the capacity and material demand forecasting. However, the Examiner took the Official Notice that this feature is well known in the art. Applicants respectfully traverse the Examiner’s Official Notice. In particular, the Examiner did not provide any reference supporting his position. If the Examiner persists in maintaining his rejection, Applicants respectfully request that the Examiner provide the reference(s) supporting his position and the motivation to modify Lidow in view of the reference(s) in the next Office Action.

In addition, Lidow also fails to teach taking into account stocking statuses, order statuses, and distribution statuses of the clients and suppliers, price variations and work flows of the clients as recited in claims 1, 9 and 19 to run the batch operation. By taking into account those factors, the result of the batch operation can well satisfy the requirements in E-fulfillment processes and CTP multi-site production in the SCM in the manufacturing industries. This feature is clearly absent from Lidow.

Since Lidow fails to teach each and every limitation of amended independent claims 1, 9 and 19 or their dependent claims, Applicants respectfully submit that claims 1, 9 and 19 and their dependent claims clearly define over the teachings of Lidow.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 are respectfully requested.

CONCLUSION

Since the remaining patents cited by the Examiner have not been utilized to reject the claims, but merely to show the state of the prior art, no further comments are necessary with respect thereto.

It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.


In the event there are any matters remaining in this application, the Examiner is invited to contact Joe McKinney Muncy, Registration No. 32,334 at (703) 205-8000 in the Washington, D.C. area.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants respectfully petition for a one (1) month extension of time for filing a response in connection with the present application and the required fee of \$120.00 is attached herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

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